



Docket No.: 2641/207-168

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Friedhelm Beckmann
Applic. No. : 09/666,951
Filed : Sept. 20, 2000
Title : Hollow Section with Internal Reinforcement and Method of
Producing the Hollow Section
Examiner : Shalie A. Manlove
Group Art Unit : 1755
Customer No.: 24131

DECLARATION under 37 C.F.R. § 1.132

I, the undersigned Erich Schürmann, hereby declare:

I am a professor at the University of Paderborn, Department Soest, Germany, and
the University of Applied Sciences Südwestfalen, Soest, Germany.

I received a doctoral degree (Ph.D.) from the Technical University of Aachen,
Germany, in 1980 and I became a regular professor at the University of Paderborn in
1989. There, I also hold the chair of the examination committee of post-graduate
studies.

My technical expertise lies in the fields of mechanical engineering, design,
automotive technology, and plastics engineering, with an emphasis on design and
construction, product design, automation technology, and plastics engineering.

I have reviewed the above-identified U.S. application, including the written specification, the claims, and the drawing figures. I have come to the firm conclusion that one of ordinary skill in the art (structural engineering, automotive technology) is enabled by the disclosure in the application to make and use the claimed invention.

The primary issue before me is the question whether or not sufficient information is available to the reader to enable the claimed "activatable foamable material" and process of "initiating foaming of the activatable foamable material" as well as "heat-activation" of the foamable material.

The specification of the application states:

[A] reaction of the **activatable material** is deliberately **initiated** ... and the cavity originally deliberately formed between the activatable material and the outer plate is filled by the **foam** which forms.

Page 6, lines 9-14 (emphasis added).

On the next page, the specification continues:

[S]olid core material 1 coated with an activatable material 2. An outer plate 4 is disposed to form a cavity 3. The cavity 3 is completely filled by the operation of **foaming** the **activatable material 2**.

Before the **foaming** operation, the hollow section 6 is passed to a corrosion protection dipping bath . . . higher temperature in the drying oven results in a **reaction** of the **coating material**, as a result of which the **foaming operation is initiated** and the cavity 3 which has been deliberately formed is filled with **foam**.

Page 7, line 23, through page 8, line 18 (emphasis added).

In sum, the "activatable material" in the specification refers to material which is activatable to foam, and if activated, forms foam. That is, the activatable material disclosed in the specification is activatable **foamable** material. This information,

while not expressly specific in terms of available materials suitable for the implementation of the claimed invention, is sufficiently definite to provide one of ordinary skill in the pertinent art the required guidance. Anyone skilled in the art of plastics engineering and/or in the art of structural design has at his ready a plethora of data sources from which to choose appropriate and suitable materials.

By way of example, as activatable materials structural foams are available from L & L Products of Romeo, Mich. under designations L5206, L5207, L5208 and L5209.

In summary, it is my opinion as an expert in the pertinent field of the invention that the feature surrounding the "activatable material" is sufficiently and clearly taught to enable one of ordinary skill in the pertinent art to make and use the invention.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Prof. Dr.-Ing. Erich Schürmann

11-03-04
Date